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Message Text

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72
ACTION EB-11

INFO OCT-01 EUR-25 ADP-00 AF-10 ARA-11 EA-11 NEA-10 RSC-01

L-03 CG-00 DOTE-00 OIC-04 CAB-09 CIAE-00 COME-00

DODE-00 INR-10 NSAE-00 FAA-00 PA-03 USIA-12 PRS-01

IO-13 SS-15 NSC-10 OMB-01 TRSE-00 RSR-01 /162 W
---------- 057374
P 262014 Z JUN 73
FM AMCONSUL MONTREAL
TO SECSTATE WASHDC PRIORITY 3472

UNCLAS MONTREAL 1310

FROM USREP ICAO

E. O. 11652: N/ A
TAGS: ETRN, CA
SUBJ: ICAO - US TERMINATION/ WITHDRAWAL/ PHASEDOWN NAOS

REF: MONTREAL 1245

1. JOINT SUPPORT MEETING JUNE 21 CONSIDERED JS- WP/863 RE CONSU-
LTATIONS PURSUANT ARTICLE XIII REGARDING US PHASEDOWN. POSTPONED
DISCUSSION UNTIL AFTER DECISION ON EIGHTH NAOS CONFERENCE. AFTER
THAT DECISION, DECIDED THAT MATTER WOULD BE TAKEN UP ON AGENDA
THAT MEETING.

2. RE CONSIDERATION JS-864 (US FILING OF WITHDRAWAL NOTICE, ART
XIX, SUPPLANTING TERMINATION NOTICE, ART XX). COMMITTEE TOOK DECI-
SION THAT FILING WAS " AS OF JUNE 15" - NOT MARCH 20. CANADA STATED
THAT NEW DEVELOPMENT WAS " UNDER ADVISEMENT" AND LEFT THE MEETING.
(FYI CANADA REP LATER TOLD US REP INFORMALLY THAT PAPERS
BEING SIGNED AND BY JUNE 26/27 GOC WOULD " PROBABLY TERMINATE."
END FYI.)

3. TEDIOUS DISCUSSION REGARDING IMPLICATIONS: (A) HOW COULD
ANY COUNTRY WITHDRAW FROM AGREEMENT WHICH WAS TERMINATED 3
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MONTHS EARLIER; (B) COULD THERE BE A WITHDRAWAL FOLLOWED BY WITH-
DRAWAL OF THE WITHDRAWAL; (C) IS AN ARTICLE XX WITHDRAWAL SUBJECT
TO AN ARTICLE XIX TERMINATION. BELGIUM LED QUESTIONING WITH
FRANCE, NORWAY PARTICIPATING. GERMANY QUESTIONED WHY IT' S " MILD"
PROTEST HAD BEEN MENTIONED IN USG NOTE, WHEN SEVERAL COUNTRIES
HAD PROTESTED, SOME OF THEM MUCH MORE STRONGLY.

4. NETHERLANDS FOUND MENTION OF GERMANY IN US NOTE " HUMOROUS"
BECAUSE SEVERAL COUNTRIES HAD FILED STRONGER PROTESTS.

5. CHAIR INTERPRETED VARIOUS DEVELOPMENTS AS FOLLOWS: (A)
FIRST US ACTION TERMINATED AGREEMENT ON JUNE 30, 1974; (B)
SECOND US ACTION EXTENDED AGREEMENT INDEFINITELY BUT WITHOUT US
AFTER JUNE 30, 1974; (C) NAOS AGREEMENT WILL TERMINATE NOT LATER
THAN JUNE 30, 1975 IN ANY CASE AS RESULT NAOS-7. (D) MOST
RECENT US ACTION GIVES STATES OPPORTUNITY TO DEAL WITH JULY 74/
JUNE 75 PERIOD.

6. DIRECTOR LEGAL BUREAU RESPONDED TO QUESTIONS BY BELGIUM:
STATES DO NOT HAVE TIME TO EXPRESS OPPOSITION TO WITHDRAWAL --
THEY HAVE TIME TO RESPOND BETWEEN NOW AND JUNE 30, AND THEY HAVE
HAD AMPLE TIME TO RESPOND TO FIRST TWO NOTES; CAN TERMINATION BE
WITHDRAWN BEFORE GOING INTO EFFECT (FIVE DAYS BEFORE TERMINATION,
TILL STATUS AGREEMENT WILL REMAIN IN EFFECT? --- YES, CAN REVOKE
ANYTIME PRIOR TO COMING- IN- FORCE, I. E., JUNE 30 (ART 78 -
ART 66 VIENNA LAW TREATIES); SOME STATES WERE CONSIDERING
TERMINATION -- A STATE CAN TERMINATE ANY TIME UP TO JUNE 30.
US DOES NOT CONTINUE TO HAVE OPTIONS, HOWEVER, FRANCE EXPRESSED
HOPE THAT " US WOULD NOT FILE SOMETHING ELSE." IT WAS
CLARIFIED THAT MOST RECENT US NOTE HAD EFFECT OF TWO NOTES:
WITHDRAWAL OF MARCH 20 TERMINATION AND FILING OF JUNE 15 WITH-
DRAWAL.

7. DISCUSSION TURNED TOWARD QUESTION WHETHER ARTICLE XX WITH-
DRAWAL REQUIRED CONFERENCE (WHICH HAD BEEN SET AS RESULT ART XIX
WITHDRAWAL) WOULD NOW BE REQUIRED. SEVERAL POINTED OUT THAT
CONFERENCE SHOULD BE CONVENED ONLY IF CONSULTATIONS FAILED.
CHAIR EXPRESSED CONCERN ABOUT FIFTEEN MONTHS NOTIFICATION FOR
RIGHTS AND OBLIGATIONS TO PAY INDICATING SOME REFERENCE TO THEM
SHOULD BE MADE IN CONSULTATIONS, AND/ OR INCONFERENCE. (RIGHTS/
OBLIGATIONS FOR 21 ST YEAR WERE WITHDRAWAL AFTER FIRST US ACTION.)
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CHAIR SAID EARLY CONFERENCE SEEMS IMPORTANT. SOME STATES
LEANED TOWARD CONSULTATIONS, SOME TOWARD CONFERENCE. FRANCE SAW
SITUATION UNCHANGED, " TO PUT IT BLUNTLY, WE MUST ARRANGE THINGS
WITHOUT THE UNITED STATES." BELGIUM RECOMMENDED ARTICLE XIII CON-
SULTATIONS ON PHASEDOWN; IF COULD NOT AGREE, THEN FINAL CONFERNCE.
SECRETARIAT POINTED OUT THAT THERE ARE NO 20 TH YEAR RIGHTS/
OBLIGATIONS IF ANY STATE WITHDRAWS -- " CONSULTATION" WITHOUT

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CLEAR FINANCIAL GUIDANCE USELESS; ALSO WMO WOULD SURELY LIKE TO KNOW WHAT THE NAOS STATES WILL PLAN TO DO REGARDING THE EXTENSIVE COORDINATION THAT HAS TAKEN PLACE THUS FAR -- WE SHOULD LET WMO HAVE SOMETHING BEFORE SEPTEMBER/ DECEMBER.

8. FRANCE SUGGESTED LETTER FROM SECGEN ARTICLE XIII PROBLEM MENTIONING PHASEDOWN AND BALANCE OF PLANS. NETHERLANDS PERSISTED IN RATIONAL COURSE PURSUANT ARTICLE XX CONSULTATIONS AND REPT AND OCTOBER CONFERENCE. PRIMARILY FOR WMO GUIDANCE. HE WAS FORCED INTO FORMAL PROPOSAL, WITH LANGUAGE LEGALLY ATTUNE XX AND ACCEPTABLE TO BELGIUM -- THAT IS, IF CONSULTATIONS BY CORRESPONDENCE DO NOT RECNCILE PROBLEM, A CONFERENCE WILL LIKELY RESULT, PROBABLY IN OCTOBER. ACCEPTED BY CONSENSUS.

9. SECRETARIAT WILL ENDEAVOR DRAFT LETTER CONTAINING SOME ROUGH INDICATIONS FINANCIAL IMPLICATIONS . LETTER TO BE DISPATCHED AFTER JUNE 30 DEADLINE FOR OTHER TERMINATION NOTICES. MEANWHILE SECGEN TO CABLE SUBSTANCE US WITHDRAWAL NOTE TO PARTICIPATING STATES. (FYI IT WENT OUT SAME DATE JUNE 21 READING AS FOLLOWS:

QUOTE SENT TO OTHER 16 NAOS CONTRACTING STATES. THIS IS TO ADVISE THAT THE GOVERNMENT OF THE UNITED STATES ON FIFTEEN JUNE 1973 HAS GIVEN NOTICE OF WITHDRAWAL FROM THE 1954 NAOS AGREEMENT IN ACCORDANCE WITH ARTICLE TWENTY SUCH WITHDRAWAL TO BE EFFECTIVE THIRTY JUNE 1974 AND REPLACES THE NOTICE OF TERMINATION GIVEN BY THE UNITED STATES ON TWENTY MARCH 1973 (SIGNED) ASSAD KOTAITE, SECRETARY GENERAL ICAO UNQUOTE) END FYI.

10. US REP HAD NO GUIDANCE NOR BACKGROUND ON RECENT DEVELOPMENTS SO DID NOT PARTICIPATE. ALL DECISIONS WERE BY CONSENSUS.
TOPPING

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*** Current Handling Restrictions *** n/a
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Decaption Note:
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Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
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Disposition Reason:
Disposition Remarks:
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Executive Order: n/a
Errors: n/a
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SECSTATE WASHDC
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